

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**
REQUEST FOR FILING
(RULE 53(b)(1))

10/12/01
112915
S U S P T O

00909

FOR DESIGN OR UTILITY APPLICATIONS
(DO NOT USE FOR CIPs)

JC971 U.S. PTO
09/963521
09/27/01**Rule 53(b)(1) PATENT APPLICATION:**

Continuation)
) application under 37 CFR 1.53(b)(1)
 Divisional)
 of pending prior application of

Group Art Unit: 1652

Inventor(s): Ziegler et al.

Examiner: Steadman, D.

Parent Appln. No.:	09	431,099	Atty. Dkt.:	P 282413	990079BT-DIV-I
Series Code ↑		Serial No. ↑		New M#	Client Ref

Parent Filed: November 1, 1999

This Appln. Filed: September 27, 2001 (herewith)

Title: Nucleotide Sequences Coding for the ThrE Gene and Process for the Enzymatic Production of L-Threonine Using Coryneform Bacteria

Hon. Commissioner of Patents
Washington, DC 20231Date: September 27, 2001
(Parent Matter No. 264921)

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

Abstract
 Specification and claims (34 pages) (**must be attached**)
 Drawings (**must be attached if originally filed**): 2 sheet(s)/set: 1 set informal; Formal of size A4 11"

1A. **Always X one box, only:**

(1) Copy of Signed declaration or oath as originally filed in prior application attached
(2) NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S):**)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

2. _____
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6. _____
7. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. Petra ZIEGLER
2. Lothar EGGLING
3. Hermann SAHM
4. Georg THIERBACH
5. _____
6. _____
7. _____

2. _____
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7. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying

application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in GERMANY of
 (country)

Application No.	Filing Date	Application No.	Filing Date
(1) <u>199 41 478.5</u>	<u>9/1/1999</u>	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.
 b. Certified copy/copies previously filed on August 9, 2000 in
 U.S. Application No. 09/431,099, filed on November 1, 1999.
 series code ↑ ↑ serial no.
 c. Certified copy/copies filed during International stage of PCT/ /
 4(a). (a) Domestic priority is claimed from PCT/ 09/431,099, filed November 1, 1999.
 (b) Benefit is claimed of Provisional Application No. 60/, filed _____.

5. Assignee (optional) Degusa Hüls Aktiengesellschaft
Forschungszentrum Jülich GmbH

6. Attached is the following number of Assignments (including original and all later successive ones by
 different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you
 want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to Pillsbury Madison & Sutro, LLP (now Pillsbury
Winthrop LLP)
 (Name and Reg. No.)
 whose current address is as in item 8 below.

a. Recognize as associate attorney Michael A. Sanzo, 36912
 (Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
 of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated
 into this application by this reference:

No. 09/ 431,099 filed November 1, 1999

No. / filed _____

No. / filed _____

No. PCT/ / filed _____, which

designated the U.S. and that International Application was was not published under PCT Article 21(2) in English

9(a). See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit
 of the above listed US application(s)

10. **Small Entity Status →** is Not claimed is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

filed in above prior application
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof
 (one box)

is being concurrently filed in that prior application (Use Form PAT-111).

(must be) was previously filed in that prior application (Check length of prior extension).

(X'd) is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609..

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. Reserved

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<

NOTE:

If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

				Large/Small Entity	Fee Code
15. Basic Filing Fee		Design Application	\$320/\$160		106/26
16. Basic Filing Fee		Utility Application	\$710/\$355	+710	101/201
17. Total Effective Claims		minus 20 =	x \$18/\$9	+0	103/203
18. Independent Claims		minus 3 =	x \$80/\$40	+0	102/202
19. If any proper multiple dependent claim (ignore improper) is present,			\$270/\$135	+0	104/204
20.			Subtotal =	\$0	
21. If "petition" box 13 above is X'd, add petition fee.	\$130			+0	122
21A. If box 6 above is X'd, add Assignment recording fee	\$ 40			+40	581

22.

TOTAL FILING FEE ATTACHED = \$750

(carry forward to Item 31)

23. ATTACHED:

24. See the attached Preliminary Amendment

25. See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
			<u>Large/Small Entity</u>		<u>File Code</u>
27.	Total Effective Claims <u>*13</u>	minus ** <u>20</u>	= <u>0</u>	x \$18/\$9 = <u>\$ 0</u>	(103/203)
28.	Independent Claims <u>*1</u>	minus *** <u>3</u>	= <u>0</u>	x \$80/\$40 = <u>+ 0</u>	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application)			\$270/\$135	+ <u>270</u> (104/204)
30.			ADDITIONAL FEE	<u>\$ 270</u>	
31.			plus <u>Fee</u> from item 22 on page 3	+ <u>750</u>	
32.			<u>TOTAL FEE ATTACHED</u>	<u>\$ 1020</u>	
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"				
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space				
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space				
	Our Deposit Account No. 03-3975 Our Order No. <u>21123</u> <u>282413</u>				
	C# M#				

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

By Atty: Michael A. Sanzo Reg. No. 36912

Sig: Michael A. Sanzo Fax: (703) 905-2500
Atty./Sec MAS/AMX Tel: (703) 905-2173

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
 If yes, printout Pat-111 and head it in parent.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

ZIEGLER et al.

(Div. of Appl. No.: 09/431,099)

Appl. No.: to be assigned

Filed: herewith

For: **Nucleotide Sequences Coding for the
ThrE Gene and Process for the
Enzymatic Production of L-Threonine
Using Coryneform Bacteria**

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt. 21123/282413

**SUBMISSION OF CERTIFIED TRANSLATION
OF NON-ENGLISH PATENT APPLICATION**

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Applicants respectfully submit a translation of the application in the German language filed herewith. A signed copy of the translator's Translation Statement Under Rule 52(d) accompanies this submission.

If there are any fees due for entry of this submission that are not otherwise accounted for, the Applicant asks that any such fees be charged to our Deposit Account No. 03-3975, with reference to Order No. 21123/282413.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Michael A. Sanzo
Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

Date:
1600 Tysons Boulevard
McLean, VA 22120
Tel. (703) 905-2173

TRANSLATOR'S DECLARATION

I, John F. Moloney, BSc., MIL., CChem., MRSC., translator to Messrs. Taylor and Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of pages of a German Patent application in the German language with the title:

Neue für das thrE-gen codierende Nukleotidsequenzen und Verfahren zur fermentative Herstellung von L-Threonin mit coryneformen Bakterien

identified by the code number 990079 BT at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By: J. F. Moloney

Date: 10 November 1999